

Date :

Reply to
Attn of :

Director, Information Security Oversight Office

DD/A Registry

79-3152

Subject: Waiver for 10-year review requirement

To : Senior Officials
All Executive Branch Agencies

By the provisions of Section 3-401, Executive Order 12065, the Director of the Information Security Oversight Office is given the authority to extend the period between subsequent reviews for declassification for specific categories of documents or information.

In response to requests for waivers of the 10-year review requirement from agencies of the executive branch, this Office made the decision that, rather than granting a series of waivers from various agencies of the executive branch covering their own particular fields of interest, a single waiver should be granted that would be applicable and responsive to the needs of all executive branch agencies. This approach was taken to promote uniformity throughout the executive branch information security program.

In developing this waiver, extensive coordination was conducted with the major classifying agencies such as the Central Intelligence Agency, and the Departments of State, Defense, Justice and Treasury. The enclosed waiver reflects the views of those agencies. The efforts to develop the final version of the waiver were greatly facilitated by the personal interest and involvement of Admiral Turner, Director of Central Intelligence.

It is requested that the provisions of the enclosed waiver be brought to the immediate attention of all officials within your agencies. Any extension of the period for subsequent declassification reviews for material covered by the waiver shall be accomplished strictly in accordance with the enclosed procedures.

Thank you for your assistance in this matter.

[Signature]
MICHAEL T. BLOUIN
Director

Enclosure

The application of the 10-year review waiver shall be strictly limited to information described above that:

- has been systematically reviewed following its 20th anniversary, or its 30th anniversary in the case of foreign government information;
- is identified through such review as requiring continued classification for a period in excess of twenty additional years;
- cannot, when so reviewed, be assigned a definitive date or event for declassification, thus requiring at least one additional review; and,
- has its classification extended beyond 20 years, or 30 years in the case of foreign government information, by an agency head or official designated by the President as authorized to do so under Executive Order 12065.

Information to which this waiver is applied shall be re-reviewed 30 years after its initial systematic review, and thereafter at 10-year intervals if necessary.

This waiver applies only to the systematic review process prescribed in Section 3-401 of Executive Order 12065. Information requested under the Freedom of Information Act or the mandatory review provisions of Executive Order 12065 will continue to be processed in accordance with the Act and the Order, whether or not the information falls within the categories of information for which this waiver is granted; nor shall this waiver be construed as an exemption from any requirements imposed on an agency by Section 3-303 of E.O. 12065.

CATEGORIES OF INFORMATION FOR WHICH THE
DIRECTOR OF THE INFORMATION SECURITY OVERSIGHT
OFFICE (ISOO) HAS GRANTED WAIVERS OF THE
10-YEAR REVIEW REQUIREMENT OF SECTION 3-401 OF
EXECUTIVE ORDER 12065

The Director of the Information Security Oversight Office has granted a waiver from the 10-year review requirements prescribed in Section 3-401 of Executive Order 12065 for the following categories of information:

- Intelligence documents and/or material(s) constituting or containing identifiable foreign government information as defined in Section 6-103 of Executive Order 12065 and Section I F.1 of Information Security Oversight Office Directive No. 1.
- Information constituting or concerning cryptology, including information on the development and/or use of any method, means, system, technique, procedure, activity, installation, device, material or equipment used for the acquisition, production, or transmission of signals intelligence or for the protection of classified communications or data."
- Information constituting or concerning counterintelligence, defined by Executive Order 12036 of January 24, 1978 (section 4-202) as "... information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs."
- Information involving or concerning intelligence sources and methods and covered under special access, distribution and protection programs continued or established pursuant to Section 4-2 of Executive Order 12065.
- Information which identifies any undercover personnel or unit(s) or clandestine human agent(s) of a National Foreign Intelligence Board or other United States Intelligence Community member agency; or which otherwise reveals information classifiable under the provisions of Executive Order 12065 concerning intelligence sources, methods or activities including intelligence plans, policies, or operations of such an agency or any element thereof.
- Intelligence reports and other documents which contain information covertly acquired and which bear the legend, "THIS IS UNEVALUATED INFORMATION" or an equivalent marking, or are similar in format or contents to items so marked; and in which the formats used, subject matter, source descriptions or other content would, in collections or aggregates of such reports and/or other documents, reveal the nature, scope or extent of United States intelligence activities in, or in relation to, particular foreign countries or areas or would identify intelligence sources or methods.